

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementing a Nationwide,	)	PS Docket No. 06-229
Broadband, Interoperable Public Safety	)	
Network in the 700 MHz Band	)	
	)	
Development of Operational, Technical, and	)	WT Docket No. 96-86
Spectrum Requirements for Meeting Federal, State	)	
and Local Public Safety Communications	)	
Requirements Through the Year 2010	)	
	)	
Request by National Capital Region for Special	)	
Temporary Authority to Operate a Broadband	)	
Network in the 700 MHz Public Safety Band	)	

**ORDER**

**Adopted: November 29, 2007**

**Released: November 29, 2007**

By the Chief, Public Safety and Homeland Security Bureau:

**I. INTRODUCTION**

1. On August 24, 2007, the District of Columbia Government – Office of the Chief Technology Office (DC) filed a request for Special Temporary Authority (STA) to operate a 700 MHz broadband wireless network at twelve base station locations within the District of Columbia.<sup>1</sup> DC submitted this request as a constituent member of the National Capital Region (NCR).<sup>2</sup> For the reasons stated below, we grant the STA, effective as of November 1, 2007, for a period of 180 days.

**II. BACKGROUND**

2. In January 2007, the Public Safety and Homeland Security Bureau granted NCR a conditional waiver to permit broadband (1.25 MHz) operations on 700 MHz wideband interoperability channels and reserve channels not yet available for licensing.<sup>3</sup> The Bureau determined that the waiver was in the public interest because it “would permit more rapid deployment of a regional broadband

<sup>1</sup> See FCC File Nos. 0003151108 and 0003149202.

<sup>2</sup> The National Capital Region includes 18 jurisdictions: The District of Columbia, Montgomery and Prince George’s Counties of Maryland, and the cities of Gaithersburg, Rockville, Takoma Park, Bowie, College Park, and Greenbelt; Arlington, Fairfax, Loudoun and Prince William Counties of Virginia, and the cities of Alexandria, Falls Church, Town of Leesburg, Manassas, and Manassas Park. See The National Capital Planning Act of 1952, 40 U.S.C. § 71.

<sup>3</sup> Request by National Capital Region for Waiver of the Commission’s Rules to Allow Establishment of a 700 MHz Interoperable Broadband Data Network, WT Docket No. 96-86, *Order*, 22 FCC Rcd 1846 (PSHSB 2007) (*NCR Waiver Order*).

communications network” until the Commission addressed public safety use of the 700 MHz band in related rulemaking proceedings.<sup>4</sup> The Bureau agreed with NCR that the “availability of a broadband data network is especially important in the Washington, D.C. area.”<sup>5</sup> The Bureau stated that, among other conditions, NCR’s waiver was subject to the outcome of the then pending 700 MHz rulemaking proceedings and emphasized that NCR “may have to implement substantial modifications to its network to comport with future technical and operational requirements adopted for the 700 MHz public safety band.”<sup>6</sup> The waiver also was conditioned on NCR obtaining concurrence from relevant 700 MHz regional planning committees in support of its license application, which it had not yet filed at the time.<sup>7</sup> In March 2007, the Commission granted experimental license WE2XBK to DC, as a constituent of the NCR, to operate on frequencies 770.625-771.875 MHz and 800.625-801.875 MHz for testing a regional wireless broadband network for public safety.<sup>8</sup> DC’s STA request seeks to continue the same operations authorized under this experimental license.<sup>9</sup>

3. In July 2007, the Commission adopted a *Second Report and Order* establishing rules in the 700 MHz band (*Second Report and Order*).<sup>10</sup> In the *Second Report and Order*, the Commission consolidated narrowband public safety spectrum in the 769-775 and 799-805 MHz bands, and allocated the 763-768 and 793-798 MHz bands for broadband use.<sup>11</sup> Further, the Commission created a single nationwide license for the public safety broadband spectrum, to be awarded to a single Public Safety Broadband Licensee.<sup>12</sup>

4. The *Second Report and Order* specifically noted that construction and operation of the NCR 700 MHz broadband network had commenced, pursuant to experimental license, and stated that

nothing herein should be construed as preventing or limiting NCR’s ability to continue to operate the broadband network they have built within the 700 MHz broadband allocation (subject to NCR properly obtaining a grant of a request for Special Temporary Authority

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<sup>4</sup> *Id.* at 1850-51 ¶ 11.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 1851 ¶ 12.

<sup>7</sup> NCR still needed to submit an application in the Commission’s Universal Licensing System, and obtain grant of the application, before commencing operations pursuant to the waiver relief granted under the *NCR Waiver Order*. *See id.* at 1851 ¶ 13.

<sup>8</sup> *See* File No. 0109-EX-PL-2007, Experimental Radio Station Construction Permit and License, Mar. 16, 2007. DC’s experimental license expired on November 1, 2007.

<sup>9</sup> *See* FCC File Nos. 0003151108 and 0003149202.

<sup>10</sup> Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102; Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309; Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket No. 03-264; Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission’s Rules, WT Docket No. 06-169; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

<sup>11</sup> *Id.* at 15407-08 ¶¶ 325326, 15409 ¶ 329.

<sup>12</sup> *Id.* at 15320 ¶ 370.

for such continued operation) until such time as the NCR network is integrated into the nationwide, interoperable broadband network.<sup>13</sup>

The *Second Report and Order* also reiterated the fact that the *NCR Waiver Order* conditioned NCR's operations on compliance with the outcome of the 700 MHz public safety rulemakings, and, accordingly, that NCR's network must eventually be integrated into the nationwide, interoperable public safety broadband network established by the *Second Report and Order*.<sup>14</sup>

5. In its request for STA, DC states that it has commenced construction and operation of a wireless broadband public safety network in the 700 MHz band pursuant to its experimental license (WE2XBK), and seeks to continue such operations pursuant to an STA. The frequencies authorized under the experimental license, and for which DC continues to request authority under STA, are located in the newly consolidated narrowband allocation. As part of its request, and consistent with the requirements of the *NCR Waiver Order*, DC submits letters of support from the Regional Planning Committees of the four adjacent regions – Regions 28, 36, 42, and 44 – as well as its own region, Region 20.<sup>15</sup> In addition, because DC's requested operations are located in the consolidated narrowband channels, and particularly including state license frequencies, NCR submits a letter from the Government of the District of Columbia approving NCR's use of the spectrum.<sup>16</sup>

### III. DISCUSSION

6. We find that DC has met the requirements for applications for STA under Section 1.931 of the Commission's rules, as well as the conditions of the *NCR Waiver Order*. Further, for the reasons set forth in the *NCR Waiver Order*, we find that grant of DC's application for STA would serve the public interest. DC's operations, as a component of the NCR network, must ultimately be incorporated into the nationwide, interoperable broadband network, including operations conducted in the consolidated narrowband channels.<sup>17</sup> We therefore grant the STA request for a period of 180 days. Pursuant to the *Second Report and Order*, DC may seek extensions of this STA until such time as the NCR network is integrated into the nationwide broadband public safety network.<sup>18</sup>

### IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i) and 303(r), and Section 1.931 of the Commission's rules, 47 C.F.R. § 1.931, that the Request for Special Temporary Authority filed by the District of Columbia Government – Office of the Chief Technology Office IS GRANTED, effective as of November 1, 2007, for a period of 180 days.

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<sup>13</sup> *Id.* at 15455 ¶ 476.

<sup>14</sup> *Id.* at 15455-56 ¶ 477.

<sup>15</sup> See File No. 0003149202 and File No. 0003151108, Exhibits 6-9.

<sup>16</sup> See *id.*, Exhibit 10.

<sup>17</sup> See *Second Report and Order*, 22 FCC Rcd at 15455 ¶ 476.

<sup>18</sup> *Id.*

8. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Derek Poarch, Chief  
Public Safety and Homeland Security Bureau